

EXHIBIT E

1 HIGHLY CONFIDENTIAL PURSUANT TO PO
2 UNITED STATES DISTRICT COURT
3 NORTHERN DISTRICT OF CALIFORNIA
4 SAN FRANCISCO DIVISION
5 CASE NO. 3:23-cv-03417-VC

6 RICHARD KADREY, et al., :
7 Individual and Representative :
8 Plaintiff, :

9 v. :

10 META PLATFORMS, INC., a Delaware :
11 Corporation, :
12 Defendant. :

13 ----- x

14 VIDEOTAPE DEPOSITION OF:
15 TA-NESHI COATES
16 NEW YORK, NEW YORK
17 THURSDAY, NOVEMBER 21, 2024

18
19
20
21
22
23
24 REPORTED BY:
25 SILVIA P. WAGE, CCR, CRR, RPR
JOB NO. 6985779

Page 1

1 HIGHLY CONFIDENTIAL PURSUANT TO PO

2 A. Hmm. 11:40:36

3 Q. Now, you testified earlier 11:40:46

4 that -- 11:40:47

5 MR. RATHUR: Sorry. Could 11:40:48

6 I have a copy? 11:40:49

7 MR. GHAJAR: Oh, I'm sorry. 11:40:50

8 MR. RATHUR: No problem. 11:40:53

9 Thank you. 11:41:10

10 Q. You testified earlier that 11:41:15

11 before any discovery responses were 11:41:17

12 submitted on your behalf, you reviewed 11:41:19

13 them, correct? 11:41:21

14 A. Yes. 11:41:23

15 Q. Alright. So do you remember 11:41:24

16 receiving and responding to these first 11:41:26

17 sets of requests for admission? 11:41:32

18 A. I do, yes. 11:41:33

19 Q. Can you point to any lost 11:41:41

20 sales of books that are attributable to 11:41:45

21 Meta's LLaMA models? 11:41:48

22 A. No. 11:41:51

23 MR. RATHUR: Objection, to 11:41:51

24 the extent that it calls for 11:41:52

25 speculation. 11:41:54

1 HIGHLY CONFIDENTIAL PURSUANT TO PO

2 Go ahead. 11:41:54

3 A. No. But that's not the only 11:41:55
4 way that I profit from my work. 11:42:00

5 Q. Right. 11:42:03

6 A. From the ownership of my 11:42:04
7 work. It's not strictly through book 11:42:05
8 sales. 11:42:07

9 Q. So the answer to that 11:42:09
10 question was, no? 11:42:10

11 A. No, no. The answer is, no. 11:42:10

12 Q. Thank you. 11:42:14

13 Have any of your agents or your 11:42:15
14 publisher informed you that your book 11:42:21
15 sales are down because of Meta's Large 11:42:23
16 Language Model? 11:42:27

17 A. No. 11:42:27

18 Q. Have any of your agents or 11:42:31
19 publishers advised you that you had the 11:42:35
20 opportunity to license your book for some 11:42:38
21 purpose but were unable to because of 11:42:42
22 Meta's Large Language Models? 11:42:46

23 A. No. 11:42:49

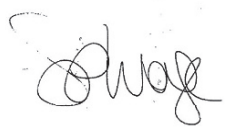
24 Q. Have any of your agents or 11:42:53
25 publishers advised you that because of 11:42:58

1 HIGHLY CONFIDENTIAL PURSUANT TO PO
2 Meta's Large Language Model, you lost a 11:42:59
3 particular licensing deal? 11:43:02
4 A. No. 11:43:03
5 Q. Have Meta's Large Language 11:43:09
6 Models caused you, Mr. Coates, to not want 11:43:13
7 to continue writing books? 11:43:15
8 A. No. 11:43:17
9 MR. RATHUR: Objection to 11:43:18
10 form. 11:43:19
11 Go ahead. 11:43:19
12 A. No. 11:43:20
13 Q. Are you aware of any documents 11:43:22
14 that support -- strike that. 11:43:28
15 Are you aware of any documents that 11:43:33
16 show that you have lost sales of your 11:43:36
17 books due to Meta's training of its Large 11:43:40
18 Language Models? 11:43:46
19 A. No. 11:43:46
20 Q. Are you aware of any documents 11:43:50
21 showing that you lost a specific licensing 11:43:53
22 opportunity for one of your three books 11:43:57
23 because of Meta's training of its Large 11:44:01
24 Language Models? 11:44:04
25 A. No. 11:44:04

HIGHLY CONFIDENTIAL PURSUANT TO PO
CERTIFICATE OF REPORTER

I, SILVIA P. WAGE, CSR, CRR, RPR,
herby certify that the witness in the
foregoing deposition was by me duly sworn
to tell the whole truth, nothing but the
truth; said deposition was taken down in
shorthand by me, a disinterested person,
at the time and place therein stated. The
testimony of said witness was thereafter
reduced to typewriting by computer under
my direction and supervision. Before
completion of the deposition, review of
the transcript [X] was [] was not
requested. If requested, any changes
made by the deponent (and provided to
the reporter) during the period allowed
are appended hereto.

I further certify that I am not of
counsel or attorney for either or any
of the parties to the said deposition,
nor in any way interested in the event
of this cause, and that I am not
related to any of the parties thereto.

SIGNED: 
dated: December 5, 2024

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

RICHARD KADREY, ET AL.,
Individual and
Representative Plaintiffs

vs. CA NO. 3:23-CV-03417-VC

META PLATFORMS, INC., a
Delaware corporation,
Defendant

VIDEOTAPED DEPOSITION OF:

JUNOT DIAZ

COOLEY LLP

500 Boylston Street

Boston, Massachusetts

November 20, 2024 9:06 a.m.

Darlene M. Coppola, RPR, RMR, CRR

Page 1

1 it a play? 17:04:23

2 A. Make it a play. 17:04:24

3 Q. Is there a cap on the number of shows 17:04:28

4 they can do within that year? 17:04:29

5 A. Yeah, I think so. My agent hammered 17:04:31

6 out some formula. 17:04:33

7 Q. Have you ever licensed your books for 17:04:38

8 use in a movie? 17:04:40

9 A. Yes. Many years ago, I can remember 17:04:42

10 clearly the Scott Rudin deal was another one 17:04:46

11 of those ones where we did a -- we did a 17:04:48

12 contract for it, was paid in advance, and it 17:04:52

13 never went anywhere. And Walter Salles, a 17:04:55

14 Brazilian director-producer, I think very, 17:04:58

15 very early on, licensed something from 17:05:01

16 "Drown," and again went nowhere. 17:05:03

17 Q. Musical? 17:05:10

18 A. No. 17:05:11

19 Q. And TV show, it was just the Anonymous 17:05:14

20 Content deal? 17:05:19

21 A. Yes. 17:05:20

22 Q. Do you believe that anyone has decided 17:05:28

23 not to buy your books because of GenAI tools? 17:05:30

24 MR. RATHUR: Objection. Calls 17:05:40

1 for speculation. 17:05:40

2 A. I don't know. 17:05:41

3 BY MR. GHAJAR: 17:05:41

4 Q. Are you aware of anybody who has 17:05:41

5 declined to buy your book because of a 17:05:43

6 generative AI tool such as LLAMA? 17:05:46

7 A. No. 17:05:48

8 MR. RATHUR: Objection. Calls 17:05:49

9 for speculation. 17:05:49

10 A. I don't know. I'm not aware of 17:05:49

11 anyone. 17:05:51

12 BY MR. GHAJAR: 17:05:52

13 Q. I'm asking for your awareness. 17:05:52

14 A. I'm not aware of it. 17:05:55

15 Q. Are you aware of anybody that has used 17:05:56

16 LLAMA, Meta's AI model, to generate a book 17:05:58

17 that is a substitute for "Drown"? 17:06:03

18 A. I'm not aware. 17:06:06

19 Q. Are you aware of anybody that has used 17:06:08

20 Meta's AI model LLAMA to generate a book that 17:06:10

21 is a substitute for "Oscar Wao"? 17:06:14

22 A. I'm not aware. 17:06:20

23 Q. Are you aware of any licensing 17:06:23

24 opportunity that you lost because of Meta's 17:06:26

1	LLAMA?	17:06:30
2	A. I'm not aware.	17:06:36
3	Q. Are you aware of any decrease in the	17:06:37
4	sales of your books that are attributable to	17:06:38
5	the release of Meta's LLAMA?	17:06:41
6	A. I'm not aware.	17:06:46
7	Q. We talked about a dataset that you	17:06:47
8	read about in "The Atlantic" article called	17:06:49
9	Books3.	17:06:53
10	Do you remember that?	17:06:53
11	A. I do.	17:06:54
12	Q. You're aware that a third party	17:06:54
13	compiled that dataset, not Meta, correct?	17:06:56
14	A. I am aware.	17:06:58
15	Q. Are you aware of any other companies	17:07:00
16	or institutions that have trained AI models	17:07:03
17	using Books3?	17:07:10
18	A. I'm sure I've read about it, but I	17:07:11
19	don't have any memory of it anymore.	17:07:14
20	Q. Would it be troubling if you learned	17:07:15
21	that researchers at MIT were using Books3 to	17:07:17
22	train large language models?	17:07:20
23	MR. RATHUR: Objection to	17:07:24
24	form.	17:07:24

1	A. At least -- yeah, I would	17:07:25
2	definitely -- we would have a chat with them.	17:07:27
3	BY MR. GHAJAR:	17:07:32
4	Q. Have you investigated to see whether	17:07:32
5	they have?	17:07:34
6	A. No, I have not.	17:07:35
7	Q. You're not alleging that LLAMA has	17:07:42
8	caused you a monetary loss in this case, are	17:07:45
9	you?	17:07:50
10	MR. RATHUR: Objection to	17:07:50
11	form.	17:07:51
12	A. I have -- this is something we'll soon	17:07:53
13	discover. That's my take, so I'm not -- yeah,	17:07:55
14	I mean, my sense is that we're alleging that	17:08:04
15	my rights were infringed upon. And so if	17:08:07
16	there's monetary value to those rights, then	17:08:17
17	one assumes that there's some harm, but I'm	17:08:20
18	alleging that -- yeah, I'm not sure. I'd have	17:08:22
19	to consult with my lawyers.	17:08:24
20	BY MR. GHAJAR:	17:08:28
21	Q. Your -- can you point to any metric	17:08:28
22	that shows that you lost money that is	17:08:31
23	directly attributable to Meta's LLAMA models	17:08:36
24	or the way they were trained?	17:08:39

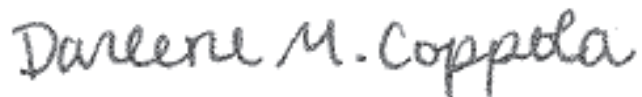
1	A. No, I can't.	17:08:42
2	Q. Are you aware of any monetary harm	17:09:02
3	that you have suffered due to OpenAI's use of	17:09:06
4	your books to train its ChatGPT models?	17:09:11
5	MR. RATHUR: Objection to form.	17:09:16
6	A. Yeah, I don't know the whole field,	17:09:18
7	but as of the moment, I have no concrete	17:09:20
8	knowledge.	17:09:24
9	BY MR. GHAJAR:	17:09:27
10	Q. And so we covered this, but are you	17:09:27
11	aware of any monetary harm that you've	17:09:31
12	suffered due to Meta's use of your books to	17:09:33
13	train its LLAMA models?	17:09:37
14	A. Yeah, I don't know the whole panorama,	17:09:39
15	but at the moment, I don't have any concrete	17:09:41
16	information, not any awareness.	17:09:43
17	Q. Do you, in your mind, draw a	17:09:46
18	distinction between the ChatGPT's use of your	17:09:48
19	books to train its model and Meta's alleged	17:09:53
20	use of your books to train its LLAMA models?	17:09:56
21	A. In the sense that...	17:09:59
22	Q. Two different companies with two	17:10:02
23	different products allegedly using your books,	17:10:03
24	do you draw a distinction between the two	17:10:07

CERTIFICATION

I, DARLENE M. COPPOLA, a Notary Public, do hereby certify that JUNOT DIAZ, after having satisfactorily identifying himself, came before me on the 20th day of November, 2024, in Boston, Massachusetts, and was by me duly sworn to testify to the truth and nothing but the truth as to his knowledge touching and concerning the matters in controversy in this cause; that he was thereupon examined upon his oath and said examination reduced to writing by me; and that the statement is a true record of the testimony given by the witness, to the best of my knowledge and ability.

I further certify that I am not a relative or employee of counsel/attorney for any of the parties, nor a relative or employee of such parties, nor am I financially interested in the outcome of the action.

WITNESS MY HAND THIS 5th day of December, 2024.



DARLENE M. COPPOLA

My commission expires:

NOTARY PUBLIC

November 2, 2029

REGISTERED MERIT REPORTER

CERTIFIED REALTIME REPORTER

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
---000---

RICHARD KADREY, ET AL.,
Individual and Representative
Plaintiffs,

vs. CASE NO. 3:23-CV-03417-VC

META PLATFORMS, INC., A
DELAWARE CORPORATION;
Defendants.

HIGHLY CONFIDENTIAL ATTORNEYS' EYES ONLY

VIDEO-RECORDED DEPOSITION OF CHRISTOPHER FARNSWORTH
Santa Monica, California
Wednesday, December 4, 2024

Stenographically Reported by: Ashley Soevyn,
CALIFORNIA CSR No. 12019
Job No. 7051779
Pages 1 - 394

Page 1

1 licensing opportunities? 11:25:20

2 MR. HUTCHINSON: Same objection.

3 THE WITNESS: By this -- by the use of --
4 by the use of LLMs?

5 BY MR. GHAJAR: 11:25:26

6 Q Correct.

7 A No.

8 Q And more specifically, by any conduct by
9 Meta?

10 A Not that I'm aware of. Speaking 11:25:31
11 specifically of licensing for ancillary works like
12 screenplays or audio books, things like that.

13 Q Are you aware of any licensing
14 opportunities for derivative works, ancillary works,
15 adaptation, sequels, prequels, or translations that 11:25:48
16 you've been deprived of because of Meta's alleged
17 use of your books to train an LLM?

18 MR. HUTCHINSON: Objection as to form.

19 THE WITNESS: I'm not aware, no.

20 BY MR. GHAJAR: 11:26:16

21 Q I'm going to have you turn to page 13 of
22 your complaint. Paragraph 66. And I'm going focus
23 on you, and not the language regarding the proposed
24 class. Okay?

25 It reads, in paragraph 66: 11:26:37

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1 training? 12:44:18

2 A Yes.

3 Q It doesn't mean license the book for a
4 derivative work or a screenplay or a TV show, does
5 it? 12:44:27

6 A I -- when I was answering that question,
7 I actually do mean all of the above. All ancillary
8 rights is what I was talking about in that answer.

9 Q Are you able to point us to any specific
10 lost opportunity that you have suffered due to 12:44:44
11 Meta's release of Llama?

12 A I am not.

13 MR. HUTCHINSON: Objections to form.
14 Calls for a legal conclusion.

15 BY MR. GHAJAR: 12:44:58

16 Q Are you able to point to any specific
17 lost opportunity that you have suffered in the
18 nature of a lost licensing deal for an adaptation of
19 one of your books due to Meta's release of its Llama
20 models? 12:45:14

21 MR. HUTCHINSON: Objection as to form.
22 Calls for a legal conclusion.

23 THE WITNESS: No.

24 BY MR. GHAJAR:

25 Q And earlier, we discussed that you are 12:45:17

1 Q So the more press coverage you get, 06:18:27
2 that's a positive factor in terms of your book
3 sales?

4 A The more people who know about my books,
5 the more they are like -- the more likely they are 06:18:38
6 to buy one.

7 Q And the more that people know about you,
8 they're more -- the more likely they are to know
9 about your books; fair to say?

10 A I would say that's a fair statement, yes. 06:18:48

11 Q So the press that you receive is a factor
12 in -- a positive factor in driving sales of your
13 books?

14 A Overall, yes.

15 Q Do you have any evidence that people's 06:19:03
16 ability to use ChatGPT affects your book sales?

17 MR. HUTCHINSON: Objection as to form.

18 THE WITNESS: I have no personal
19 evidence, no.

20 BY MR. GHAJAR: 06:19:15

21 Q Any evidence that people's ability to use
22 Meta's large language models affects your book
23 sales?

24 MR. HUTCHINSON: Objection as to form.

25 THE WITNESS: I have no personal 06:19:25

1 knowledge. 06:19:26

2 BY MR. GHAJAR:

3 Q Are you happy -- it's a general question,
4 you can answer it anyway you want.

5 Are you happy with the way that your 06:19:34

6 publishers for -- we know the names -- are you happy

7 with the way that Putnam and HarperCollins have

8 treated you with respect to the publication of Blood

9 Oath, The Eternal World, Flashmob and The

10 President's Vampire? 06:19:50

11 MR. HUTCHINSON: Objection as to form.

12 THE WITNESS: I think writers can always

13 find something to complain about. But overall, I

14 would say I'm very happy with how I've been

15 treatment by the publishers and the effort that 06:20:02

16 they've put into promoting the books.

17 BY MR. GHAJAR:

18 Q Are you satisfied with the number of
19 books that you've sold?

20 A I think every author wants to sell more 06:20:15

21 books. But overall, I would say that I've -- that

22 I've done very well and I've been very lucky to have

23 found a -- a large enough audience and a loyal

24 enough audience to keep people coming back for my

25 books. 06:20:38

REPORTER'S CERTIFICATE

I, ASHLEY SOEVYN, a Certified Shorthand Reporter of the State of California, do hereby certify:

That the foregoing proceedings were taken before me at the time and place herein set forth; at which time the witness was put under oath by me;

That the testimony of the witness, the questions propounded, and all objections and statements made at the time of the examination were recorded stenographically by me and were thereafter transcribed;

That a review of the transcript by the deponent was requested;

That the foregoing is a true and correct transcript of my shorthand notes so taken.

I further certify that I am not a relative or employee of any attorney of the parties, nor financially interested in the action.

I declare under penalty of perjury under the laws of California that the foregoing is true and correct. Dated this 18th day of December, 2024.



ASHLEY SOEVYN

CSR No. 12019

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

RICHARD KADREY, et al.,)
)
Individual and)
Representative Plaintiffs,)
)
vs.) Case No.
) 3:23-cv-03417-VC
META PLATFORMS, INC., a)
Delaware corporation,)
)
Defendant.)
-----)

VIDEO-RECORDED DEPOSITION OF ANDREW SEAN GREER

Tuesday, September 24, 2024

San Francisco, California

Stenographically Reported By:
Hanna Kim, CLR, CSR No. 13083
Job No. 6928896

Page 1

1 BY MR. LAUTER:

2 Q. Have you lost any book sales as a result
3 of the damage alleged -- strike that.

4 Have you lost any book sales as a result
5 of the infringement alleged in the Complaint? 12:02:41

6 A. I don't know.

7 Q. Have you lost any licensing opportunities
8 as a result of the infringement alleged in the
9 Complaint?

10 A. I don't know. 12:02:54

11 Q. Do you think it's possible that your book
12 sales have increased as a result of being a
13 participant in this Complaint?

14 MR. CLOBES: Objection to form.

15 THE WITNESS: I don't know. 12:03:13

16 BY MR. LAUTER:

17 Q. It's possible that you have?

18 MR. CLOBES: Objection to form.

19 THE WITNESS: I don't know.

20 BY MR. LAUTER: 12:03:17

21 Q. We discussed earlier that you're also a
22 Plaintiff in a case against OpenAI?

23 A. Yes.

24 Q. And why did you agree to participate in
25 that lawsuit? 12:03:35

1 THE WITNESS: Hmm. I don't know.

2 BY MR. LAUTER:

3 Q. Do you believe that anybody has decided
4 not to buy one of the four books that you've
5 asserted have been infringed by Meta and have 06:15:10
6 instead used Llama to generate a book?

7 MR. CLOBES: Objection to form.

8 THE WITNESS: I don't know.

9 BY MR. LAUTER:

10 Q. Do you believe that anybody has used one 06:15:28
11 of Meta's large language models as a substitute for
12 reading one of the four books that you've alleged
13 are infringed in the Complaint?

14 A. I don't know.

15 MR. CLOBES: Objection. 06:15:42

16 BY MR. LAUTER:

17 Q. Do you have any basis to believe that
18 that's occurred?

19 MR. CLOBES: Objection.

20 THE WITNESS: No. 06:15:46

21 BY MR. LAUTER:

22 Q. Do you believe that you have lost any
23 licensing opportunities as a result of the conduct
24 that you've alleged in the Complaint in this case?

25 A. I don't know. 06:16:03

1 Q. Do you have any basis to believe that
2 you've lost any licensing opportunities as a result
3 of that conduct?

4 A. No.

5 Q. Do you know how much you would charge to 06:16:11
6 buy a copy of Less?

7 A. Repeat it.

8 Q. Do you know how much you would charge
9 to -- strike that.

10 How much would you charge to buy a copy of 06:16:30
11 your book, Less?

12 MR. CLOBES: Objection to form.

13 THE WITNESS: To sell a copy? I'm --

14 BY MR. LAUTER:

15 Q. Yeah. If I wanted to buy a copy of Less, 06:16:38
16 how much would you charge me?

17 MR. CLOBES: Objection to form.

18 THE WITNESS: I don't sell books.

19 BY MR. LAUTER:

20 Q. Do you know how much Less retails for? 06:16:46

21 A. I don't.

22 Q. Do you know approximately how much Less
23 retails for?

24 MR. CLOBES: Objection.

25 THE WITNESS: For -- in paperback? 06:16:56

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CERTIFICATE OF REPORTER

I, Hanna Kim, a Certified Shorthand Reporter, do hereby certify:

That prior to being examined, the witness in the foregoing proceedings was by me duly sworn to testify to the truth, the whole truth, and nothing but the truth;

That said proceedings were taken before me at the time and place therein set forth and were taken down by me in shorthand and thereafter transcribed into typewriting under my direction and supervision;

I further certify that I am neither counsel for, nor related to, any party to said proceedings, not in anywise interested in the outcome thereof.

Further, that if the foregoing pertains to the original transcript of a deposition in a federal case, before completion of the proceedings, review of the transcript [X] was [] was not requested.

In witness whereof, I have hereunto subscribed my name.

Dated: 10/1/24



Hanna Kim

CLR, CSR No. 13083

1 UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
2 SAN FRANCISCO DIVISION
Case No. 3:23-cv-03417-VC

3 -----x
RICHARD KADREY, et al., Individual and
4 Representative,

5 Plaintiffs,

6 - against -

7 META PLATFORMS, INC., a Delaware
corporation,

8
9 Defendant.
-----x

10
September 16, 2024

11 9:05 a.m.
12
13

14 VIDEOTAPED DEPOSITION of DAVID HENRY
15 HWANG, held at the offices of COOLEY LLP,
16 located at 55 Hudson Yards, New York, New
17 York 10001, before Anthony Giarro, a
18 Registered Professional Reporter, a
19 Certified Realtime Reporter and a Notary
20 Public of the State of New York.
21
22
23
24
25

1 MR. CLOBES: Objection to
2 form.

3 A My work was used without my
4 permission. I was not asked for consent.
5 And I have not been compensated.

6 Q Understood.

7 Have you experienced any
8 loss, financial loss as a result of
9 Meta's Generative AI tools and how they
10 were trained?

11 MR. CLOBES: Objection to
12 form.

13 A I don't know.

14 Q Have you been unable to
15 successfully write plays because of
16 Meta's Generative AI tools training?

17 A No. I have not been unable
18 to write plays.

19 Q Have you been unable to sell
20 books as a result of the existence of
21 Meta's Generative AI tools and the way
22 they were trained?

23 MR. CLOBES: Objection to
24 form.

25 A I don't know.

1 Q I need an answer.

2 Have you been unable to sell
3 books because of Meta's Generative AI
4 tool and the way that the models were
5 trained?

6 A I have not been unable to
7 sell books.

8 Q So you've been able to sell
9 books?

10 MR. CLOBES: Objection to
11 form.

12 A Correct.

13 Q Do you plan to file any
14 other lawsuits against companies that use
15 or make Generative AI tools?

16 MR. CLOBES: Objection to
17 form.

18 A I don't know.

19 Q As to the lawsuit against
20 OpenAI, was that filed first --

21 MR. CLOBES: Objection to
22 form.

23 Q -- before the suit against
24 Meta?

25 A I don't remember.

1 for Billion Dollar Whale.

2 Q Thank you very much.

3 Go to Exhibit 27 which we
4 looked at a little bit earlier.

5 These are amended responses
6 to requests for admissions; correct?

7 A Correct.

8 Q We've covered a lot of this
9 today.

10 But just to be thorough, in
11 No. 12, I'm going to ask you whether
12 you're aware that you have lost any sales
13 of your three works due to the
14 infringement alleged in the complaint.

15 Can you identify any lost
16 sales?

17 A No.

18 MR. CLOBES: Objection,
19 form.

20 Q And nobody's ever paid you
21 or offered to pay you for the use of any
22 of your literary works for the purposes
23 of training a large language model; is
24 that correct?

25 MR. CLOBES: Objection to

1 form.

2 A That's correct.

3 Q I'm going to split that up.

4 Has anybody ever paid you
5 for the use of any of your literary works
6 for purposes of training an AI large
7 language model?

8 A No.

9 Q Has anyone ever offered to
10 pay you for the use of any of your
11 literary works for the purposes of
12 training an AI large language model?

13 A No.

14 Q Are you aware of an
15 organization like ASCAP that represents
16 book authors for the purposes of securing
17 licenses to use works for AI training?

18 MR. CLOBES: Objection to
19 form.

20 A I am not aware of any such
21 organization.

22 Q And you are not alleging in
23 your case that because of Meta's AI tool
24 or ChatGPT that you have sold fewer
25 copies of your works, are you?

1 MR. CLOBES: Objection to
2 form.

3 A I am not alleging that, to
4 my knowledge.

5 Q For M. Butterfly, does the M
6 stand for Madame?

7 A The M is ambiguous.

8 Q There is a pre-existing play
9 called Madame Butterfly; correct?

10 A There is a pre-existing
11 opera.

12 Q Your play has nothing to do
13 with that opera?

14 A My play references that
15 opera.

16 Q And that opera, is it an old
17 opera?

18 A Yes.

19 Q As in a century old or
20 decades old?

21 A Century old.

22 Q And you wrote M. Butterfly
23 yourself?

24 A Yes.

25 Q Any coauthors?

1 are available through the Google books
2 service?

3 MR. CLOBES: Objection to
4 form.

5 A Not to my knowledge.

6 Q In your opinion, is the
7 number of books you sell in a given year
8 affected by people's ability to ask
9 questions online about your books; for
10 example, on Google or ChatGPT or Meta's
11 AI?

12 MR. CLOBES: Objection to
13 form.

14 A I don't know.

15 Q Do you have any proof that
16 the number of books you sell in a given
17 year is affected by the ability of people
18 to ask questions about your books through
19 online tools or Generative AI tools?

20 A I do not have any evidence
21 to that effect.

22 Q In your opinion, is the
23 number of books you sell in a given year
24 affected by how much promotion you do on
25 social media?

C E R T I F I C A T I O N

I, ANTHONY GIARRO, a Shorthand Reporter and a Notary Public, do hereby certify that the foregoing witness, DAVID HENRY HWANG, was duly sworn on the date indicated, and that the foregoing, to the best of my ability, is a true and accurate transcription of my stenographic notes.

I further certify that I am not employed by nor related to any party to this action.

A handwritten signature in black ink, appearing to read 'AG', with a horizontal line extending to the right.

ANTHONY GIARRO

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

CASE NO. 3:23-CV-03417-VC

RICHARD KADREY, ET AL)

)

Individual and)

Representative Plaintiffs,)

)

VS.)

)

META PLATFORMS, INC., A DELAWARE)

CORPORATION)

)

Defendant.)

/

DEPOSITION OF RICHARD KADREY
VIDEOTAPED

DEPOSITION taken before me, Brenda J. Brink, a
Notary Public, within and for the Commonwealth of
Pennsylvania, beginning at 9:35 a.m. on September 25,
2024, at the offices of Regus - Foster Plaza
Pittsburgh, 651 Holiday Drive, Plaza 5, Suite 400,
Pittsburgh, Pennsylvania, 15220, to be used pursuant
to all applicable rules in the aforesaid cause of
action, pending in the United States District Court,
Northern District of California, San Francisco
Division.

1 A. I'm not doing it anymore. It was
2 just a little project I did for a while and
3 got bored with.

4 Q. When did you do this project?

5 A. Oh, my God, five, six years ago.

6 Q. Are you aware of any lost sales of
7 any of your asserted works due to Meta's
8 training of its Llama models?

9 A. I am not.

10 Q. Are you aware of any specific
11 licensing opportunity that you lost, other
12 than that you wish Meta had allowed you the
13 opportunity to license your content for its
14 AI, due to Meta's training of its Llama
15 models?

16 MR. ZIRPOLI: Object to form.

17 A. I do not know.

18 Q. You're not aware of any
19 opportunity?

20 A. I'm not aware of any opportunities.

21 Q. Have you ever been offered by
22 anyone compensation to use your works, any
23 works, to train an AI model?

24 MR. ZIRPOLI: I'm sorry. I
25 didn't hear the question.

1 Q. Have you ever been offered
2 compensation by anyone to use your works,
3 your copyrighted works, to train an AI
4 model?

5 A. No.

6 Q. Has anyone other than you wrote any
7 portion of your asserted works?

8 A. No.

9 Q. You have not used Llama; correct?

10 A. I have not used Llama.

11 Q. Have you ever offered to license or
12 sell any of your asserted works for
13 training large language models?

14 A. No.

15 Q. Have you ever suffered from any
16 injury as a result of Meta's training of
17 Llama, other than not compensating you to
18 train on data that included your works?

19 MR. ZIRPOLI: Object to the form
20 of the question.

21 A. I don't know. I don't have enough
22 information to answer that.

23 Q. So sitting here today, you don't
24 know of any injury other than not receiving
25 compensation for the use of your works?

1 A. Correct.

2 MR. ZIRPOLI: Object to the form
3 of the question.

4 A. Correct.

5 MS. HARTNETT: I'd like to take
6 a short break.

7 MR. ZIRPOLI: How long would
8 that be?

9 MS. HARTNETT: Five minutes.

10 MR. RETHAGE: We'll be going off
11 the record. Time is now 2:44. (A recess
12 was taken)

13 MR. RETHAGE: Back on record.
14 The time is now 2:55.

15 Q. Hello again.

16 A. Hello again.

17 Q. I have one follow-up question
18 regarding your copyright registrations?

19 A. Yes.

20 Q. I believe you said your publisher
21 handled that; correct?

22 A. Yes.

23 Q. In terms of the copy of your work
24 that has to be deposited with the copyright
25 office, did you have anything to do with

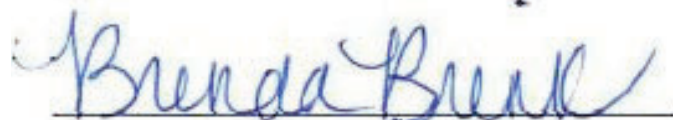
COMMONWEALTH OF PENNSYLVANIA)
) CERTIFICATE
COUNTY OF ALLEGHENY) SS:

I, Brenda J. Brink, RPR and Notary Public in and for the Commonwealth of Pennsylvania, do hereby certify that the witness, Richard Kadrey, was by me first duly sworn to testify to the truth; that the foregoing deposition was taken at the time and place stated herein; and that the said deposition was recorded stenographically by me and then reduced to printing under my direction, and constitutes a true record of the testimony given by said witness.

I further certify that the inspection, reading and signing of said deposition were NOT waived by counsel for the respective parties and by the witness.

I further certify that I am not a relative or employee of any of the parties, or a relative or employee of either counsel, and that I am in no way interested directly or indirectly in this action.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal of office this 11th day of October, 2024.



Notary Public

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

-----:
RICHARD KADREY, et al., :
Individual and :
Representative Plaintiffs, :
vs. : Case No.:
META PLATFORMS, INC., : 3:23-cv-03417-VC
a Delaware corporation; :
Defendant. :
-----:

VIDEOTAPED DEPOSITION OF MATTHEW C. KLAM
Cleary Gottlieb Steen & Hamilton, LLP
Tuesday, December 10, 2024
9:40 a.m.

Reported by:
Robert M. Jakupciak, RPR
JOB No. SF-7030273

PAGES 1 - 381

Page 1

1 prompt Meta AI to create work in your style? 17:23:25

2 A. No. 17:23:29

3 Q. So you had expressed that concern 17:23:30

4 about how somebody could be turned off by an 17:23:38

5 output. Putting that aside, I think I want to 17:23:41

6 make sure I have a clean answer. You are not 17:23:46

7 aware of any instance in which you lost a sale 17:23:52

8 of one of your books due to Meta's conduct 17:23:57

9 alleged in the Complaint; correct? 17:24:01

10 A. Correct. 17:24:03

11 Q. And you do not have any documents 17:24:04

12 that would show you have lost a sale of either 17:24:07

13 of your books due to the conduct of Meta 17:24:11

14 alleged in the Complaint; correct? 17:24:15

15 A. That's right. 17:24:18

16 Q. Have you discussed with anyone the 17:24:22

17 prospect of licensing Sam the Cat or Who is 17:24:29

18 Rich for AI training? 17:24:33

19 MR. RATHUR: Objection. To the 17:24:35

20 extent you reveal the substance of 17:24:36

21 communications with counsel, I would caution 17:24:38

22 you not to. But you can answer. 17:24:40

1 training? 17:26:09

2 A. No. 17:26:10

3 Q. You are not aware of any specific 17:26:17

4 licensing opportunity that you lost due to 17:26:22

5 Meta's conduct alleged in the Complaint; 17:26:27

6 correct? 17:26:29

7 A. I feel like that's a kind of 17:26:43

8 hypothetical. 17:26:45

9 Q. Are you aware of any instance in 17:26:53

10 which someone chose not to take a license from 17:26:54

11 you for AI training because of something Meta 17:27:00

12 did? 17:27:05

13 A. I'm not sure where we are at here. 17:27:12

14 No one has offered to license any of my work 17:27:15

15 for AI training. 17:27:19

16 Q. Okay. 17:27:21

17 A. That's why we are suing you guys. 17:27:22

18 Q. And so I'm just asking you if you 17:27:24

19 have any information to suggest someone was 17:27:27

20 considering licensing your work for AI 17:27:30

21 training, but chose not to because of something 17:27:32

22 Meta did? 17:27:36

1 A. Oh, no. I don't know. 17:27:39

2 Q. Has anybody offered you 17:27:44

3 compensation of any kind to use Sam the Cat or 17:27:46

4 Who is Rich to train an artificial intelligence 17:27:50

5 model? 17:27:55

6 A. No. But see, this is the problem. 17:27:55

7 The problem is you guys are like a household 17:27:57

8 name. You are so pervasive, enormous and 17:28:00

9 trusted. And what you have done is set an 17:28:06

10 example for everyone and the example is steal 17:28:08

11 it. That's what you've done. You have set 17:28:12

12 that as the standard and you've said now come 17:28:16

13 sue us, good luck. 17:28:19

14 So I would imagine that the rest of 17:28:22

15 the industry has learned that behavior from 17:28:24

16 your egregious behavior, and so I can't imagine 17:28:26

17 that other smaller players in the AI world 17:28:33

18 would be persuaded to offer licenses to artists 17:28:36

19 in this kind of environment that's created in 17:28:42

20 part by this massive player, which is your 17:28:45

21 boss. 17:28:48

22 Q. Okay. So I guess I'll reserve the 17:28:49

1 right? 17:30:32

2 A. That's right. 17:30:33

3 Q. Do you have any evidence that sales 17:31:17

4 of your books have declined as a result of any 17:31:21

5 conduct by Meta? 17:31:27

6 A. No. 17:31:29

7 Q. You assert that both OpenAI in 17:31:39

8 training ChatGPT and Meta in training its AI 17:31:46

9 models infringed the copyright in Sam the Cat 17:31:49

10 and Who is Rich; right? 17:31:54

11 A. Yes. 17:31:57

12 Q. Do you have any way of separating 17:32:02

13 out the harm you think you've suffered as a 17:32:06

14 result of OpenAI's conduct versus the harm you 17:32:11

15 think you've suffered as a result of Meta's 17:32:14

16 alleged conduct? 17:32:18

17 MR. RATHUR: Objection to form. 17:32:20

18 A. No. 17:32:24

19 Q. You are not aware of any instance 17:32:49

20 in which a person has read text generated by a 17:32:52

21 Meta AI model as a substitute for reading one 17:32:57

22 of your books; right? 17:33:04

REPORTER'S CERTIFICATE

I, ROBERT M. JAKUPCIAK, an RPR and
Notary Public within and for the District of
Columbia do hereby certify:

That the witness whose deposition is
hereinbefore set forth, was duly sworn and that
the within transcript is a true record of the
testimony given by such witness.

I further certify that I am not
related to any of these parties to this action
by blood or marriage and that I am in no way
interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto
set my hand this 20th day of December, 2024.



ROBERT M. JAKUPCIAK, an RPR and
Notary Public

My Commission Expires:
February 28, 2029

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION
RICHARD KADREY, ET AL)
Plaintiffs) Case No.: 3:23-cv-03417-VC
Vs.)
META PLATFORMS, INC.,)
A Delaware Corporation)
Defendant)

Deposition of LAURA LIPPMAN, was taken
via videotape on Tuesday, September 17, 2024,
commencing at 9:32 a.m., at Kramon & Graham, P.A.,
750 East Pratt Street, Suite 1100, Baltimore,
Maryland, before MICHELE D. LAMBIE, Notary Public.

Reported By:
Michele D. Lambie, CSR-RPR

1 THE WITNESS: -- because I don't Google 04:33:41
2 myself. 04:33:43
3 BY MS. DUNNING: 04:33:43
4 Q. Okay. I take it if there are summaries 04:33:43
5 of your books on Wikipedia, you did not authorize 04:33:49
6 those? 04:33:51
7 MR. SWEATMAN: Objection to form. 04:33:52
8 THE WITNESS: I mean, I thought you 04:33:52
9 couldn't write your own Wickies, so -- but at any 04:33:57
10 rate, no, I -- I haven't authorized anything on 04:34:01
11 Wikipedia. I don't think one can. 04:34:06
12 BY MS. DUNNING: 04:34:08
13 Q. Are you aware of any effect on sales of 04:34:08
14 your books from use of ChatGPT? 04:34:20
15 MR. SWEATMAN: Objection to form. 04:34:28
16 THE WITNESS: I have no information about 04:34:29
17 that. 04:34:32
18 BY MS. DUNNING: 04:34:33
19 Q. Are you aware of any effect on sales of 04:34:33
20 your books from use of any Meta LLM? 04:34:36
21 MR. SWEATMAN: Objection to form. 04:34:40

1 THE WITNESS: I simply don't have the 04:34:40
2 information. 04:34:42
3 BY MS. DUNNING: 04:34:43
4 Q. Do you think sales of your books may be 04:34:43
5 affected by your personal popularity, -- 04:34:52
6 MR. SWEATMAN: Objection. 04:34:56
7 BY MS. DUNNING: 04:34:56
8 Q. -- whether people like you? 04:34:56
9 MR. SWEATMAN: Objection to form. 04:34:58
10 THE WITNESS: I have never stopped to 04:35:01
11 contemplate that. 04:35:05
12 BY MS. DUNNING: 04:35:07
13 Q. Do you think that press coverage could 04:35:07
14 affect sales of your books? 04:35:18
15 MR. SWEATMAN: Objection to form. 04:35:19
16 THE WITNESS: I do believe a certain kind 04:35:20
17 of press coverage can affect sales of one's books. 04:35:25
18 BY MS. DUNNING: 04:35:28
19 Q. What kind? 04:35:28
20 A. Some reviews are more high profile than 04:35:29
21 others. Some reviewers are more likely to 04:35:37

1 any information to suggest that any person decided 05:03:25
2 not to buy one of your six books because of a Meta 05:03:34
3 LLM? 05:03:43
4 MR. SWEATMAN: Object to form. 05:03:44
5 THE WITNESS: If that has happened, it 05:03:45
6 has not been brought to my attention. 05:03:49
7 BY MS. DUNNING: 05:03:51
8 Q. Do you believe that you have lost any 05:03:51
9 licensing opportunity relating to any of your six 05:03:59
10 books as a result of any conduct by Meta? 05:04:02
11 MR. SWEATMAN: Objection to form. 05:04:07
12 THE WITNESS: I'll go back to the old 05:04:08
13 reporter maxim, that you can't prove a negative. I 05:04:13
14 don't know how I would be able to prove that. 05:04:16
15 BY MS. DUNNING: 05:04:18
16 Q. Do you have any evidence that you have 05:04:18
17 lost a licensing opportunity because of any conduct 05:04:21
18 by Meta? 05:04:25
19 MR. SWEATMAN: Objection to form. 05:04:27
20 THE WITNESS: I don't have any evidence. 05:04:28
21 BY MS. DUNNING: 05:04:31

1 Q. Do you have any information or evidence 05:04:31
2 to suggest that you have lost any licensing 05:04:37
3 opportunity as a result of the release of Meta's 05:04:43
4 LLaMA models? 05:04:51

5 MR. SWEATMAN: Objection. Form. 05:04:52

6 THE WITNESS: I don't have any 05:04:53
7 information pertaining to that. 05:04:55

8 BY MS. DUNNING: 05:04:56

9 Q. Do you have any information or evidence 05:04:56
10 to show that you have lost any licensing 05:05:04
11 opportunity as a result of Meta's release of Meta 05:05:07
12 AI? 05:05:14

13 MR. SWEATMAN: Objection to form. 05:05:14

14 THE WITNESS: I don't have any 05:05:15
15 information or evidence pertaining to that. 05:05:17

16 BY MS. DUNNING: 05:05:19

17 Q. Do you have any information or evidence 05:05:19
18 that you have lost any licensing opportunity as a 05:05:26
19 result of how Meta trained its large language 05:05:31
20 models? 05:05:36

21 MR. SWEATMAN: Objection to form. 05:05:37

1 THE WITNESS: I don't have any 05:05:38
2 information or evidence pertaining to that. 05:05:40
3 BY MS. DUNNING: 05:05:42
4 Q. Do you have any understanding or evidence 05:05:42
5 of whether Meta obtained a copy of any of your six 05:05:55
6 books? 05:06:06
7 MR. SWEATMAN: Objection to form. 05:06:07
8 THE WITNESS: I don't have direct 05:06:08
9 knowledge of that. 05:06:10
10 BY MS. DUNNING: 05:06:11
11 Q. Your lawsuit alleges that Meta copied 05:06:11
12 your six books for purposes of training its large 05:06:34
13 language models, right? 05:06:40
14 A. That is my understanding. 05:06:42
15 Q. Apart from what you have been told by 05:06:45
16 your attorneys, what is that based on? 05:06:48
17 MR. SWEATMAN: Objection to form. 05:06:54
18 THE WITNESS: It all goes back to the 05:06:56
19 original Atlantic article and the -- and the search 05:06:57
20 tool. 05:07:01
21 BY MS. DUNNING: 05:07:01

1 BY MS. DUNNING: 05:10:46

2 Q. You're not seeking money in this lawsuit? 05:10:46

3 MR. SWEATMAN: Objection to form. 05:10:50

4 THE WITNESS: I defer to my lawyers who, 05:10:50

5 I believe, are the ones who are best situated to 05:10:55

6 determine how damages work and what would be the 05:11:01

7 ideal outcome here. 05:11:05

8 BY MS. DUNNING: 05:11:09

9 Q. Do you believe that you have been 05:11:09

10 financially harmed by anything Meta has 05:11:13

11 done -- 05:11:16

12 MR. SWEATMAN: Objection to form. 05:11:16

13 BY MS. DUNNING: 05:11:18

14 Q. -- with respect to AI training? 05:11:18

15 MR. SWEATMAN: Objection to form. 05:11:20

16 THE WITNESS: I believe it's possible 05:11:21

17 that there's been harm that I'm not yet aware of. 05:11:24

18 BY MS. DUNNING: 05:11:26

19 Q. Do you believe you've suffered financial 05:11:26

20 harm as a result of training -- AI training 05:11:30

21 performed by OpenAI? 05:11:38

1 MR. SWEATMAN: Objection to form. 05:11:41

2 THE WITNESS: I believe it's possible. 05:11:42

3 BY MS. DUNNING: 05:11:44

4 Q. If other AI developers trained their 05:11:44

5 large language models on your books, do you believe 05:11:52

6 that training has caused you financial harm? 05:11:55

7 MR. SWEATMAN: Objection to form. 05:11:59

8 THE WITNESS: I don't have a way of 05:12:00

9 making distinctions among the various AI models and 05:12:08

10 who runs them. I don't know enough to know if 05:12:16

11 there are differences among them. It is my belief 05:12:21

12 that they all have the potential for harm. 05:12:25

13 BY MS. DUNNING: 05:12:28

14 Q. Okay. But at this time, you're not aware 05:12:28

15 of any financial harm you've suffered as a result 05:12:31

16 of any AI training performed by Meta? 05:12:36

17 A. I -- 05:12:40

18 MR. SWEATMAN: Objection to form. 05:12:41

19 THE WITNESS: I don't have any evidence 05:12:42

20 that I have been harmed. 05:12:47

21 BY MS. DUNNING: 05:12:47

1 MR. SWEATMAN: Object to form. 05:40:52

2 THE WITNESS: I -- I think that's true. 05:40:53

3 BY MS. DUNNING: 05:40:54

4 Q. True or false, you are unaware of anyone 05:40:54

5 else giving consent to use your six works for 05:41:00

6 artificial intelligence training? 05:41:05

7 MR. SWEATMAN: Object to form. 05:41:07

8 THE WITNESS: That is true, I am unaware. 05:41:08

9 BY MS. DUNNING: 05:41:11

10 Q. Are you aware of any specific licensing 05:41:11

11 opportunity that you have lost due to the conduct 05:41:46

12 of Meta alleged in the Complaint? 05:41:53

13 MR. SWEATMAN: Object to form. 05:41:55

14 THE WITNESS: I'm not aware of any such 05:41:57

15 lost opportunity. 05:42:00

16 BY MS. DUNNING: 05:42:02

17 Q. Are you aware of any documentary evidence 05:42:02

18 that you have lost a specific licensing opportunity 05:42:11

19 due to any of Meta's conduct alleged in the 05:42:15

20 Complaint? 05:42:18

21 MR. SWEATMAN: Object to form. 05:42:19

1 THE WITNESS: I -- I am not aware. 05:42:20

2 BY MS. DUNNING: 05:42:22

3 Q. In what ways, if any, do you contend you 05:42:22

4 have been injured by Meta's conduct alleged in the 05:42:49

5 Complaint? 05:42:53

6 MR. SWEATMAN: Object to form. 05:42:54

7 THE WITNESS: At this point, I have no 05:42:55

8 specific examples of injury to me. 05:42:59

9 BY MS. DUNNING: 05:43:03

10 Q. Is it -- I'll represent to you that 05:43:03

11 you -- well, let me just ask the question. 05:43:18

12 True or false, you are personally unaware 05:43:22

13 of any instance in which a person read text 05:43:29

14 generated by any of Meta's LLMs as a substitute for 05:43:34

15 reading one of your six at-issue books? 05:43:42

16 MR. SWEATMAN: Object to form. 05:43:48

17 THE WITNESS: At this moment in time, 05:43:49

18 that is true. 05:43:51

19 BY MS. DUNNING: 05:43:52

20 Q. True or false, you are personally unaware 05:43:52

21 of any documentary evidence demonstrating that any 05:43:59

1 might do. 06:06:13

2 BY MS. DUNNING: 06:06:14

3 Q. Okay. As you sit here today, you are not 06:06:14

4 aware of any specific financial harm that you have 06:06:24

5 suffered as a result of conduct by Meta alleged in 06:06:41

6 the Complaint? 06:06:46

7 MR. SWEATMAN: Object to form. 06:06:48

8 THE WITNESS: As I sit here today, I am 06:06:49

9 not aware of any financial harm that has been done 06:06:54

10 to me yet. 06:06:57

11 BY MS. DUNNING: 06:06:58

12 Q. Okay. 06:06:58

13 MS. DUNNING: Let's go off the record. I 06:07:00

14 think I may be done. 06:07:01

15 THE VIDEOGRAPHER: We are going off the 06:07:08

16 record. The time is 6:07 p.m. 06:07:09

17 (Recess taken -- 6:07 p.m.) 06:07:11

18 (After recess -- 6:09 p.m.) 06:08:32

19 THE VIDEOGRAPHER: We are back on the 06:08:34

20 record. The time is 6:09 p.m. 06:08:40

21 BY MS. DUNNING: 06:08:43

1 State of Maryland

2 County of Baltimore, to wit:

3 I, Michele D. Lambie, a Notary Public of
4 the State of Maryland, County of Baltimore, do
5 hereby certify that the within-named witness
6 personally appeared before me at the time and place
7 herein set out, and after having been duly sworn by
8 me, according to law, was examined by counsel.

9 I further certify that the examination
10 was recorded stenographically by me and this
11 transcript is a true record of the proceedings.

12 I further certify that I am not of
13 counsel to any of the parties, nor related to any
14 of the parties, nor in any way interested in the
15 outcome of this action.

16 As witness my hand and notarial seal this
17 2nd day of October 2024.

18
19 
20
21

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

RICHARD KADREY, et al.,)
Individual and)
Representative Plaintiffs,))
vs.) Case No.
META PLATFORMS, INC., a) 3:23-cv-03417-VC
Delaware corporation,)
Defendant.)
_____)

C O N F I D E N T I A L

VIDEOTAPED DEPOSITION OF SARAH SILVERMAN

Los Angeles, California

Thursday, October 10, 2024

VOLUME I

Stenographically Reported by:

RENEE D. ZEPEZAUER, RPR, CRR, CSR No. 6275

JOB No. 6944934

PAGES 1 - 330

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CONFIDENTIAL

1 MR. ZIRPOLI: Object to the form of the 03:21:09
2 question.

3 THE WITNESS: I would venture to guess that I
4 lost the licensing opportunity for training various AIs.

5 BY MS. DUNNING: 03:21:21

6 Q Okay. Apart from licensing for training AIs
7 which I understand is part of your assertion, I want to
8 put that aside. I'm trying to figure out if there's
9 anything else.

10 A There's no way to compute that in terms of 03:21:34
11 someone not buying a book.

12 Q Are you aware of any time somebody decided not
13 to buy your book because they could generate a summary
14 on a Meta AI tool?

15 A There's no way to calculate that. I'd have to 03:21:52
16 be in someone's head.

17 Q Are you aware of any evidence to suggest that
18 ever happened?

19 A No, I'm not.

20 Q Are you aware of any instance in which somebody 03:22:01
21 wanted to pay to license use of your work but chose not
22 to because of something Meta did?

23 A Meta itself and ChatGPT.

24 Q Apart from Meta and OpenAI, are you aware of
25 any instance in which another person decided not to seek 03:22:24

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1 a license to use your work because of something Meta 03:22:31

2 did?

3 A No.

4 MR. ZIRPOLI: Object to the form of the

5 question. 03:22:38

6 THE WITNESS: Besides those two, I'm not aware
7 of more.

8 BY MS. DUNNING:

9 Q Do you have any evidence to suggest that sales
10 of your book have gone down because of anything Meta 03:22:50
11 did?

12 A I don't know.

13 Q Do you have any evidence to suggest that sales
14 of your book have gone up because people can find out
15 information about it on AI tools? 03:23:02

16 A I can't imagine. I don't know.

17 Q Turning back to Exhibit 412. Did you
18 participate in any strikes as part of either the Writers
19 strike or the Screen Actors Guild strike?

20 A Both. 03:23:33

21 Q Do you -- are you a member of SAG-AFTRA?

22 A Yes.

23 Q Are you a member of the Writers Guild of
24 America?

25 A Yes. 03:23:42

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1 BY MS. DUNNING: 03:57:51

2 Q Okay. So the answer is no, you don't have any
3 evidence that Meta's alleged use of your book to
4 train -- train its large language models has damaged the
5 market for your book? 03:58:02

6 A That's correct.

7 MR. ZIRPOLI: Object to the form of the
8 question. Asked and answered three times.

9 THE WITNESS: Just the stealing.

10 BY MS. DUNNING: 03:58:11

11 Q Who is Erik Noyes?

12 A It's a friend of mine.

13 Q How do you know him?

14 A From high school.

15 (Exhibit 413 was marked for identification by 03:58:32
16 the court reporter and is attached hereto.)

17 BY MS. DUNNING:

18 Q I've just handed you what's been marked as

19 Exhibit 413. It's a one-page text exchange Bates

20 SILVERMAN000099. Is this a text string that you 03:58:49
21 exchanged with Erik Noyes?

22 A Yeah.

23 Q And this text exchange took place in October of
24 2023; correct? Not -- just earlier this month?

25 A Right. Correct. 03:59:19

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1 question we've asked three times? It's getting late. 05:50:30

2 This question has been asked and answered.

3 MS. DUNNING: Mr. Zirpoli, your objections

4 particularly after your colleagues have repeatedly asked

5 us to keep our objections strictly as to form are really 05:50:40

6 inappropriate. You're coaching --

7 MR. ZIRPOLI: I'm not coaching.

8 MS. DUNNING: You're coaching --

9 MR. ZIRPOLI: I'm not coaching. Objection to

10 form. Asked and answered. 05:50:48

11 MS. DUNNING: You're wasting my time, and I'd

12 appreciate it if you'd let me answer my question -- ask

13 my question.

14 THE WITNESS: He is. What did he say?

15 MS. DUNNING: I get seven hours. 05:50:54

16 MR. ZIRPOLI: Object to the form. Asked and

17 answered.

18 BY MS. DUNNING:

19 Q Are you aware of any lost sales of your book

20 THE BEDWETTER due to any conduct of Meta alleged in the 05:51:00

21 Complaint?

22 MR. ZIRPOLI: Objection to form. Asked and

23 answered.

24 THE WITNESS: No, I'm not aware of any sales at

25 all. I don't keep track of that stuff. 05:51:12

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1 BY MS. DUNNING: 05:51:13

2 Q Are you aware of any documents supporting any
3 contention that you have lost sales of your book due to
4 conduct by Meta alleged in the Complaint?

5 MR. ZIRPOLI: Object to form. Asked and 05:51:24
6 answered.

7 THE WITNESS: Oh, my God. That's so many
8 words. Am I aware of any documents --

9 BY MS. DUNNING:

10 Q Do you have any documents to show that you lost 05:51:29
11 sales because of something Meta did?

12 A No, you know I don't.

13 Q Okay. Do you -- can you identify any specific
14 licensing opportunity you claim you lost because of
15 conduct by Meta? 05:51:42

16 MR. ZIRPOLI: Objection to form.

17 THE WITNESS: The conduct that they stole my
18 copyright without me knowing, without making a written
19 license, without licensing my material, without my
20 consent, no, I don't know. 05:51:54

21 BY MS. DUNNING:

22 Q Okay. Are you -- do you have any evidence to
23 show that you lost a specific licensing opportunity due
24 to anything Meta did?

25 MR. ZIRPOLI: Object to form. 05:52:05

1 THE WITNESS: I don't, but that has nothing to 05:52:06
2 do with stealing.
3 BY MS. DUNNING:
4 Q Has any person or company offered you money to
5 use your book as training material for an artificial 05:52:14
6 intelligence model?
7 MR. ZIRPOLI: I'm going to instruct the witness
8 not to answer anything that would divulge
9 attorney-client privilege with respect to this or any
10 other case. 05:52:28
11 THE WITNESS: No. That's exactly why we're
12 here because no one approached me about licensing my
13 book. They just took it. That's stealing.
14 BY MS. DUNNING:
15 Q Okay. 05:52:38
16 A It's not legal.
17 Q So let me ask the question again just so I get
18 the answer.
19 Has anybody offered you money to use your book
20 to train an AI model? 05:52:51
21 MR. ZIRPOLI: I'm going to object --
22 THE WITNESS: You mean like ChatGpt or Meta?
23 BY MS. DUNNING:
24 Q Has any --
25 A No. 05:53:00

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1 BY MS. DUNNING: 05:59:48

2 Q Do you have any evidence that any seller of
3 your book such as bookstores or online book sellers or
4 wholesalers or resellers have sold fewer of your books
5 because of anything Meta did? 06:00:01

6 MR. ZIRPOLI: Object to the form. Asked and
7 answered five times now.

8 THE WITNESS: I would have no idea, once again.

9 BY MS. DUNNING:

10 Q Okay. 06:00:08

11 A Where is the big stuff? I always figured that
12 comes at the end like Columbo.

13 MR. ZIRPOLI: How much time do we have left?

14 THE VIDEOGRAPHER: On the record total, it's
15 six hours and 25 minutes. 06:00:20

16 MR. ZIRPOLI: Okay.

17 BY MS. DUNNING:

18 Q How do you claim -- let me come back to that.
19 Are you aware of any instance in which any
20 person has read text generated by any of Meta's AI 06:00:32
21 models as a substitute for reading your book?

22 MR. ZIRPOLI: Objection.

23 THE WITNESS: There's no possible way I could
24 know that.

25 //

CONFIDENTIAL

1 I, the undersigned, a Certified Shorthand
2 Reporter of the State of California, do hereby certify:

3 That the foregoing proceedings were taken
4 before me at the time and place herein set forth; that any
5 witnesses in the foregoing proceedings, prior to
6 testifying, were administered an oath; that a record of
7 the proceedings was made by me using machine shorthand
8 which was thereafter transcribed under my direction; that
9 the foregoing transcript is a true record of the testimony
10 given; that if the foregoing proceedings were reported
11 stenographically remote from the witness and parties, the
12 transcript of the proceedings reflects the record that I
13 could hear and understand to the best of my ability.

14 Further, that if the foregoing pertains to
15 the original transcript of a deposition in a Federal
16 Case, before completion of the proceedings, review of
17 the transcript [X] was [] was not requested.

18 I further certify I am neither financially
19 interested in the action nor a relative or employee of any
20 attorney or any party to this action.

21 IN WITNESS WHEREOF, I have this date
22 subscribed my name this 24th day of October, 2024.

23 

24 RENEE DiMENNO ZEPEZAUER

25 CSR #6275, RPR, CRR

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

- - - - -
RICHARD KADREY, et al, |
Plaintiffs, | Case Number:
vs. | 3:23-cv-03417-VC
META PLATFORMS, INC., a |
Delaware corporation, |
Defendant. |
- - - - -

Confidential Videotaped Deposition of
RACHEL LOUISE SNYDER
Wednesday, December 11, 2024
at 9:42 a.m.
in Washington, D.C.

Reported by:
Laurie Donovan, RPR, CRR, CLR
JOB 7030288

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1 you out of here.

2 You are not aware of having lost any sale of
3 your book, No Visible Bruises, due to conduct alleged
4 in the complaint against Meta, right?

5 A I wouldn't know.

6 Q So as you sit here today, you're not aware
7 of any lost sale?

8 A Yeah, I wouldn't know.

9 Q Do you have any documentary evidence to
10 support a contention that you have lost sales of your
11 book, No Visible Bruises, due to the complaint by
12 Meta -- due to conduct by Meta alleged in the
13 complaint?

14 A No.

15 Q Is there any licensing opportunity you
16 believe you've lost as a result of Meta's conduct
17 alleged in the complaint?

18 A Potentially.

19 Q What is that licensing opportunity?

20 A I mean maybe for use in classrooms or
21 universities. I don't know.

22 Q Do you have any evidence that you've lost a
23 specific licensing opportunity due to conduct by Meta
24 alleged in the complaint?

25 A No. What I do have is lots of licensing

1 contracts from other places that asked before they
2 took my work.

3 Q I'll move to strike after "no."

4 Has anyone offered you money to use No
5 Visible Bruises to train an AI model?

6 A No.

7 Q Are you aware of anyone offering your
8 publisher money to use No Visible Bruises to train an
9 AI model?

10 A No.

11 Q You have never licensed use of No Visible
12 Bruises -- sorry. Let me ask you it again.

13 You have never licensed No Visible Bruises
14 for use as training data for artificial intelligence,
15 correct?

16 A Correct.

17 Q To your knowledge, No Visible Bruises has
18 never been licensed for use as training data for
19 artificial intelligence, correct?

20 A Correct.

21 Q You have never consented to use of No
22 Visible Bruises as training data for artificial
23 intelligence, correct?

24 A Correct.

25 Q To your knowledge, no one has ever given

CONFIDENTIAL

1 consent to use No Visible Bruises as training data for
2 artificial intelligence, correct?

3 A Correct.

4 Q No one has paid you to use No Visible
5 Bruises as training data for an AI model, right?

6 A Correct.

7 Q Sales of your book, No Visible Bruises, have
8 not decreased as a result of any conduct by Meta
9 alleged in the complaint, correct?

10 MR. RATHUR: Objection to form to the extent
11 it calls for speculation.

12 You can answer.

13 THE WITNESS: Yeah, I don't know.

14 BY MS. DUNNING:

15 Q Do you have any evidence that you've lost
16 sales of any -- let me ask again.

17 Do you have any evidence that sales of your
18 book, No Visible Bruises, have declined as a result of
19 conduct by Meta alleged in the complaint?

20 A Yeah, I don't know. No.

21 Q As you sit here today, can you identify any
22 injury that you believe was caused by Meta's conduct
23 alleged in the complaint?

24 Let me ask that again.

25 As you sit here today, can you identify any

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1 MR. RATHUR: She conditioned her question.

2 THE WITNESS: Are we at seven hours yet?

3 BY MS. DUNNING:

4 Q We're just about done.

5 THE VIDEOGRAPHER: We're at six hours and 47
6 minutes.

7 THE WITNESS: Come on. You're controlling
8 time down there. You're doing something.

9 BY MS. DUNNING:

10 Q Have you, have you -- do you contend that
11 you've lost money or property as a result of any
12 conduct by Meta alleged in the complaint?

13 A Money, yes; property, no.

14 Q With respect to your contention that you've
15 lost money, do you have any documentary evidence that
16 you've lost money as a result of any conduct by Meta
17 alleged in the complaint?

18 A No.

19 MS. DUNNING: That's it.

20 THE WITNESS: Really? Wow. Just right
21 under the wire.

22 MR. RATHUR: Off the record.

23 THE VIDEOGRAPHER: This marks the end of the
24 deposition of Rachel Louise Snyder. We're going
25 off the record at 18:10.

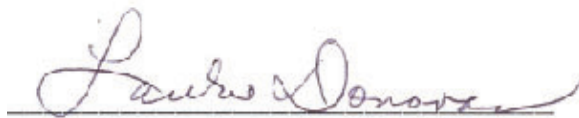
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CERTIFICATE OF SHORTHAND REPORTER -- NOTARY PUBLIC

I, Laurie Donovan, Registered Professional Reporter, Certified Realtime Reporter, and notary public for the District of Columbia, the officer before whom the foregoing deposition was taken, do hereby certify that the foregoing transcript is a true and correct record of the testimony given; that said testimony was taken by me stenographically and thereafter reduced to typewriting under my supervision; and that I am neither counsel for, related to, nor employed by any of the parties to this case and have no interest, financial or otherwise, in its outcome.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal this 24th day of December 2024.

My commission expires: July 14, 2027

A handwritten signature in cursive script, reading "Laurie Donovan", written in dark ink over a horizontal line.

LAURIE DONOVAN

NOTARY PUBLIC IN AND FOR
THE DISTRICT OF COLUMBIA

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

RICHARD KADREY, et al.,)
)
Plaintiffs,)
)
v.)
)
META PLATFORMS, INC., a Delaware)
corporation,)
)
Defendant.)
-----)

CONFIDENTIAL ATTORNEYS' EYES ONLY

Videotaped Deposition of LYSA TERKEURST
Charlotte, North Carolina
September 23, 2024
9:51 a.m. Eastern

Reported by: Karen K. Kidwell, RMR, CRR
Job No. 6922752

1 authors who had their work pirated. 04:57:24

2 Q. And when you say "pirated," you mean used 04:57:28

3 as part of the data that was used to train the LLaMA 04:57:31

4 models? 04:57:35

5 A. Yes. 04:57:35

6 Q. Without your consent? 04:57:36

7 A. Yes. 04:57:37

8 MS. HARTNETT: Why don't we take a break. 04:58:18

9 Pretty close. 04:58:19

10 VIDEOGRAPHER: Time on the monitor is 04:58:21

11 4:58 p.m. We're off the record. 04:58:22

12 (A recess transpired from 4:58 p.m. until

13 5:09 p.m.)

14 VIDEOGRAPHER: The time on the monitor is 05:08:59

15 5:09 p.m. We are back on the record. 05:09:01

16 BY MS. HARTNETT:

17 Q. Ms. TerKeurst, is it fair to say you are 05:09:08

18 not aware of any lost sales of your asserted works in 05:09:13

19 this case due to Meta's alleged conduct? 05:09:17

20 MR. ULWICK: Objection. Form. 05:09:21

21 THE WITNESS: Again, I would have to hire 05:09:25

22 experts to help me determine that. 05:09:27

23 BY MS. HARTNETT:

24 Q. My question is, today, sitting here, are 05:09:28

25 you aware of any lost sales of your asserted works 05:09:31

1 due to Meta's alleged conduct? 05:09:35

2 A. No. 05:09:38

3 Q. Has anyone offered you compensation to use 05:09:38

4 your asserted works to train an AI model? 05:09:41

5 MR. ULWICK: Object to foundation. 05:09:45

6 THE WITNESS: No. 05:09:47

7 BY MS. HARTNETT:

8 Q. Have you ever had anyone ghost-write any 05:09:48

9 portion of any of your publications? 05:09:51

10 A. No. 05:09:55

11 Q. Have you had anyone ghost-write anything 05:09:57

12 you've made public that may not be a published book? 05:10:01

13 MR. ULWICK: Object to form. 05:10:06

14 THE WITNESS: No. 05:10:07

15 BY MS. HARTNETT:

16 Q. Are you aware of any text generated by any 05:10:12

17 of LLaMA's -- of any of Meta's LLaMA's -- let me try 05:10:16

18 that again. 05:10:20

19 Are you aware of any text generated by any 05:10:21

20 of Meta's LLaMA models that infringes your asserted 05:10:23

21 works? 05:10:27

22 MR. ULWICK: Objection. Form. 05:10:28

23 THE WITNESS: I'm not sure I understand 05:10:33

24 the question. 05:10:34

25

1 BY MS. HARTNETT:

2 Q. So you're not aware of any opportunities 05:29:02
3 for licensing your books to train generative AI that 05:29:05
4 you've lost because of Meta's alleged use of Books3 05:29:09
5 to train LLaMA. Correct? 05:29:11

6 MR. ULWICK: Object to form. 05:29:13

7 THE WITNESS: No. 05:29:15

8 BY MS. HARTNETT:

9 Q. If Meta had purchased a copy of your book 05:29:24
10 and used it to train its AI, would you have a 05:29:27
11 different view of its conduct in this case? 05:29:29

12 MR. ULWICK: Object to form. 05:29:35

13 THE WITNESS: If Meta would have sought 05:29:36
14 permission and asked if I would like to exercise 05:29:38
15 my copyright, or not, before using my entire 05:29:41
16 manuscript, then I would have considered their 05:29:46
17 request. 05:29:52

18 BY MS. HARTNETT:

19 Q. Do you know whether Meta knew what 05:30:03
20 books were in Books3 when it allegedly used it to 05:30:04
21 train its AI? 05:30:09

22 MR. ULWICK: Object to form. 05:30:11

23 THE WITNESS: I have no idea what Meta 05:30:12
24 knew or didn't know. 05:30:14

25

STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

I, Karen K. Kidwell, RMR, CRR, in and for
the State of North Carolina, do hereby certify that
there came before me on Monday, September 23, 2024, the
person hereinbefore named, who was by me duly sworn to
testify to the truth and nothing but the truth of her
knowledge concerning the matters in controversy in this
cause; that the witness was thereupon examined under
oath, the examination was stenographically reported and
reduced to typewriting under my direction, and the
deposition is a true record of the testimony given by
the witness.

I further certify that I am neither attorney
or counsel for, nor related to or employed by, any
attorney or counsel employed by the parties hereto or
financially interested in the action.

This the 24th day of September, 2024.



Karen K. Kidwell, RMR, CRR
Notary Public #19971050142

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

-----x

RICHARD KADREY, et al.,
Individual and Representative,
Plaintiffs, Case No.
v. 3:23-cv-03417-VC
META PLATFORMS, INC., a
Delaware Corporation;
Defendant.

-----x

VIDEOTAPED DEPOSITION of JACQUELINE A.
WOODSON, held at 55 Hudson Yards, New
York, New York, commencing at 9:39 a.m.,
September 30, 2024, before Erica Ruggieri,
a Certified Shorthand Reporter and Notary
Public of the State of New York.

JOB No. 6931571

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Q. Do you have any reason to believe any of the information in Exhibit 340 is inaccurate?

A. I don't know why it would be, but I do want to take a closer look at this.

Q. Okay. Have you lost any sales of any of your asserted works due to the conduct of Meta alleged in the complaint?

MR. SWEATMAN: Object to form.

A. I don't know.

Q. Do you have any documentary evidence to show that you have lost sales of any of your at issue books due to the conduct of Meta alleged in the complaint?

MR. SWEATMAN: Object to form.

A. I don't.

Q. Has anyone offered you compensation to use any of your at issue books to train an artificial intelligence model?

MR. SWEATMAN: Object to form.

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A. I don't know. I mean that's not -- no. I don't know what would make them more successful.

Q. Okay. Do you believe that anyone has decided not to buy one of your at issue books because they could use a Meta LLM to generate a different book instead?

MR. SWEATMAN: Objection to form.

A. I don't know. Again, I don't know what's out there.

Q. Are you aware of any licensing opportunities you have lost as a result of Meta's conduct alleged in the complaint?

MR. SWEATMAN: Objection to form.

A. Not yet, no.

Q. Do you attribute the loss of any income to any conduct of Meta alleged in the complaint?

MR. SWEATMAN: Objection to form.

REPORTER'S CERTIFICATE

I, ERICA L. RUGGIERI, RPR and a
Notary Public within and for the State
of New York, do hereby certify:

That I reported the proceedings
in the within-entitled matter, and
that the within transcript is a true
record of such proceedings.

I further certify that I am not
related by blood or marriage, to any
of the parties in this matter and
that I am in no way interested in the
outcome of this matter.

IN WITNESS WHEREOF, I have
hereunto set my hand this 20th day of
October, 2024.

A handwritten signature in black ink that reads "Erica Ruggieri". The signature is written in a cursive, flowing style.

ERICA L. RUGGIERI, RPR, CSR, CLR